

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEE STEWART,)	
)	
Plaintiff,)	Civil Action No. 3:13-246
)	
v.)	United States District Judge Kim R.
)	Gibson
PA DEPT. OF CORRECTIONS, et al.,)	
)	United States Magistrate Judge
Defendants.)	Cynthia Reed Eddy

MEMORANDUM ORDER

KIM R. GIBSON, United States District Judge.

The present action was filed with this Court on November 14, 2013. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

Defendants Marvin Branton and Rich Clark filed a motion for summary judgment [ECF No. 87] on May 11, 2015. Defendant Muhammad Naji filed a motion for summary judgment [ECF No. 91] on May 11, 2015. Defendants Mandy Corman and Maria Leahy filed a motion for summary judgment [ECF No. 95] on May 11, 2015. The Magistrate Judge's Report and Recommendation [ECF No. 124] filed February 9, 2015 recommended that the motions for summary judgment be granted. Service of the Report and Recommendation was made on all parties. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2 they had until February 26, 2016 to file any objections. As of this date, no objections have been filed.

Accordingly, after a *de novo* review of the pleadings and documents in this case, together

with the Report and Recommendation, the following Order is entered:

AND NOW, this 15th day of March, 2016, IT IS HEREBY ORDERED that Defendants Marvin Branton and Rich Clark's motion for summary judgment [ECF No. 87] is granted; that Defendant Muhammad Naji's motion for summary judgment [ECF No. 91] is granted; and that Defendants Mandy Corman and Maria Leahy's motion for summary judgment [ECF No. 95] is granted.

IT IS FURTHER ORDERED that to the extent Plaintiff seeks to maintain a claim against the unidentified John Doe Physician Assistant, said party is dismissed pursuant to Federal Rule of Civil Procedure 21, as Plaintiff has had an opportunity to discovery this party's identity and has failed to do so. *See Blakeslee v. Clinton Cnty.*, 336 Fed. App'x 248, 250 (3d Cir. 2009) ("If reasonable discovery does not unveil the proper identities, . . . John Doe defendants must be dismissed.");

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Cynthia Reed Eddy is hereby adopted as the Opinion of the District Court.

By the Court



The Honorable Kim R. Gibson
United States District Judge

cc: The Honorable Cynthia Reed Eddy
United States District Court
Western District of Pennsylvania

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